

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
S/S French Avenue, 1134' E of
the c/l of Back River Neck Road * ZONING COMMISSIONER
(1653 French Avenue)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 94-149-A
Paul W. Rogers, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Paul W. and Bonnie J. Rogers. The Petitioners request relief from Section 1802.3.C (Table) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of .5 feet (6 inches) in lieu of the required 25 feet in a D.R. 16 zone for a proposed carport in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with Critical Areas legislation. A findings plan has been submitted to the Department of Environmental Protection and Resource Management (DEPRM) for consideration. The granting of this relief is contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review of this project. The Petitioners shall obtain an approved findings plan from DEPRM prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of November, 1993 that the Petition for Administrative Variance seeking relief from Section 1802.3.C (Table) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of .5 feet (6 inches) in lieu of the required 25 feet in a D.R. 16 zone for a proposed carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with any recommendations made by DEPRM upon completion of their review of this project. The Petitioner shall obtain an approved findings plan from DEPRM prior to the issuance of any permits.

3) The proposed carport shall remain open on the three exposed sides.
4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1496

November 5, 1993

Mr. & Mrs. Paul W. Rogers
1653 French Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S French Avenue, 1134' E of the c/l of Back River Neck Road
(1653 French Avenue)
15th Election District - 5th Councilmanic District
Paul W. Rogers, et ux - Petitioners
Case No. 94-149-A

Dear Mr. & Mrs. Rogers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for Administrative Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered in the above-captioned matter to be unsatisfactory, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information regarding filing an appeal, please contact the Zoning Administration and Development Management office at 887-1491.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel; File

ORDER RECEIVED FOR FILING
Date 11/5/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/5/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/5/93
By [Signature]

- 2 -

- 3 -

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1653 French Ave
94-149-A which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County, and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C (Table) to allow a .5 ft + 6 inch setback from the side property line in lieu of the required 25 ft setback in a D.R. 16 zone

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s): (Indicate hardship or practical difficulty)
It is out need to shelter out and seek entrance to the house from the elements. Our hardship is Mr. Rogers heart condition.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s)
(Type or Print Name)
Signature
Address
City State Zipcode

Agency for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode

Signature
Address
City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, and that the petition be reported to the Zoning Commission of Baltimore County.

Zoning Commissioner of Baltimore County

ITEM # 145

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1653 French's Ave
Baltimore, MD 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

The purpose for building the carport is to create a safe and sheltered entrance to our home from rain and especially snow. Mr. Rogers past heart operation limits him from shoveling snow and as we are now retirement age have a growing concern to have the car and path to it more accessible.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Paul W. Rogers Bonnie J. Rogers
Paul W. Rogers Bonnie J. Rogers
(Type or Print Name) (Type or Print Name)
Signature Signature
Address Address
City State Zipcode City State Zipcode

I HEREBY CERTIFY, this 5th day of Sept, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PAUL W. ROGERS & BONNIE J. ROGERS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9-24-93

Lawrence R. Armitage
NOTARY PUBLIC

My Commission Expires: NOV 1, 1994

Zoning Description for 1653 French's Ave
94-149-A
Election District #15 Councilmanic District #5

Beginning at a point on the South side of French's Ave which is 54 feet wide at a distance of 1134 feet East of the centerline of the nearest improved intersecting street Back River Neck Road which is 100 Feet wide. Being Lot # 102 & #103, Block , Section # , in the subdivision of French's Park as recorded in Baltimore County Plat Book #06, Folio #138, containing 10,000 square feet and 0.23 acres.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 11/16/93
Posted for Administrative Variance
Petitioner Paul W. Rogers & Bonnie J. Rogers
Location of property 1653 French Ave
Location of Sign French Ave at Back River Neck Rd
Remarks
Posted by M. H. Hines Date of return 11/22/93
Number of Signs 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 9-30-93 Number 145
94-149-A
#101 UNIMPOSED
#0501 SIGN 35
CRITICAL

Please Make Checks Payable To Baltimore County
01401805031CHRE
PA 00101040407-30-93 \$85.00



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 22, 1993

Mr. and Mrs. Paul W. Rogers
1653 French Avenue
Baltimore, Maryland 21221

RE: Case No. 94-149-A, Item No. 145
Petitioner: Paul W. Rogers, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Rogers:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 30, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-895

Re: BALTIMORE COUNTY
Item No: # 145 (JRA)

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Conestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: October 14, 1993

SUBJECT: 1653 French Avenue

INFORMATION:

Item Number: 145

Petitioner: Rogers Property

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff recommends that due to the extent of the setback proposed, contact be made with the owner of the dwelling at 1651 French Avenue to discuss the subject request.

Should the applicant's request be granted, future enclosure of the proposed carport should be restricted.

Prepared by: *Jeffrey M. Long*

Division Chief: *Edylin*

PK/JUL:lw

ZAC 145/PZONE/ZAC1

Pg. 1

October 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #145 - Rogers Property
1653 French Avenue
Zoning Advisory Committee Meeting of October 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:KK:sp

ROGERS/DEPRM/TXTSDB



111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice F. Boylan, Sr. and Lois M. Boylan
Location: #114 Northwood Drive
Item No.: #142 (JRF)

George F. Sabol, IV & Donna L. Sabol
#18007 Marshall Hill Road
#143 (RT)

George J. Wimmer and Susan M. Wimmer
#9405 Oak White Road
#144 (JCM)

Paul W. Rogers and Bonnie J. Rogers
#1653 French Avenue
#145 (JRA)

Cedarside Farm Joint Venture
#4 Symphony Woods Court
146 (RT)

Cedarside Farm Joint Venture
#2 Trumpet Court
147 (RT)

Howard B. Miller & Linda C. Miller
SW/5 Greenspring Avenue Between Broadway and Kelley Avenues
#148 (WCR)

Peter P. Golaboski and Anna H. Golaboski
#9121 Cuckold Point Road
149 (RT)

Herbert P. Bush and Esther E. Bush
#4 Opie Road
150 (JLL)

Herbert P. Bush and Esther E. Bush
#6 Opie Road
151 (JLL)

Henry C. Stull and Helen A. Stull
#1115 Old York Road

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: November 10, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 145
Rogers Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1653 French Avenue. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Paul and Bonnie Rogers

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C of the Baltimore County Zoning Regulations to permit a 6 inch setback from the side property line in lieu of the required 25 feet setback in a DR16 zone

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>



Mr. Arnold E. Jablon
November 10, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located approximately 450 feet from the tidal waters of Hopkins Creek. No disturbance of the shoreline buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and across the lawn. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

Mr. Arnold E. Jablon
November 10, 1993
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:tm

cc: Mr. and Mrs. Paul Rogers
1653 French Avenue
Baltimore, Maryland 21221

FRENCHS/DEPRM/WQBCBA

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Paul W. Rogers and Bonnie J. Rogers
1653 French Avenue
Baltimore, Maryland 21221

RE: CASE NUMBER: 94-149-A (Item 145)
1653 French Avenue
S.E. French Avenue, 1134' E of c/l Back River Neck Road
15th Election District - 5th Councilmanic

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact only with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a reference regarding the administrative process.

1) Your property will be posted on or before October 17, 1993. The closing date (November 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

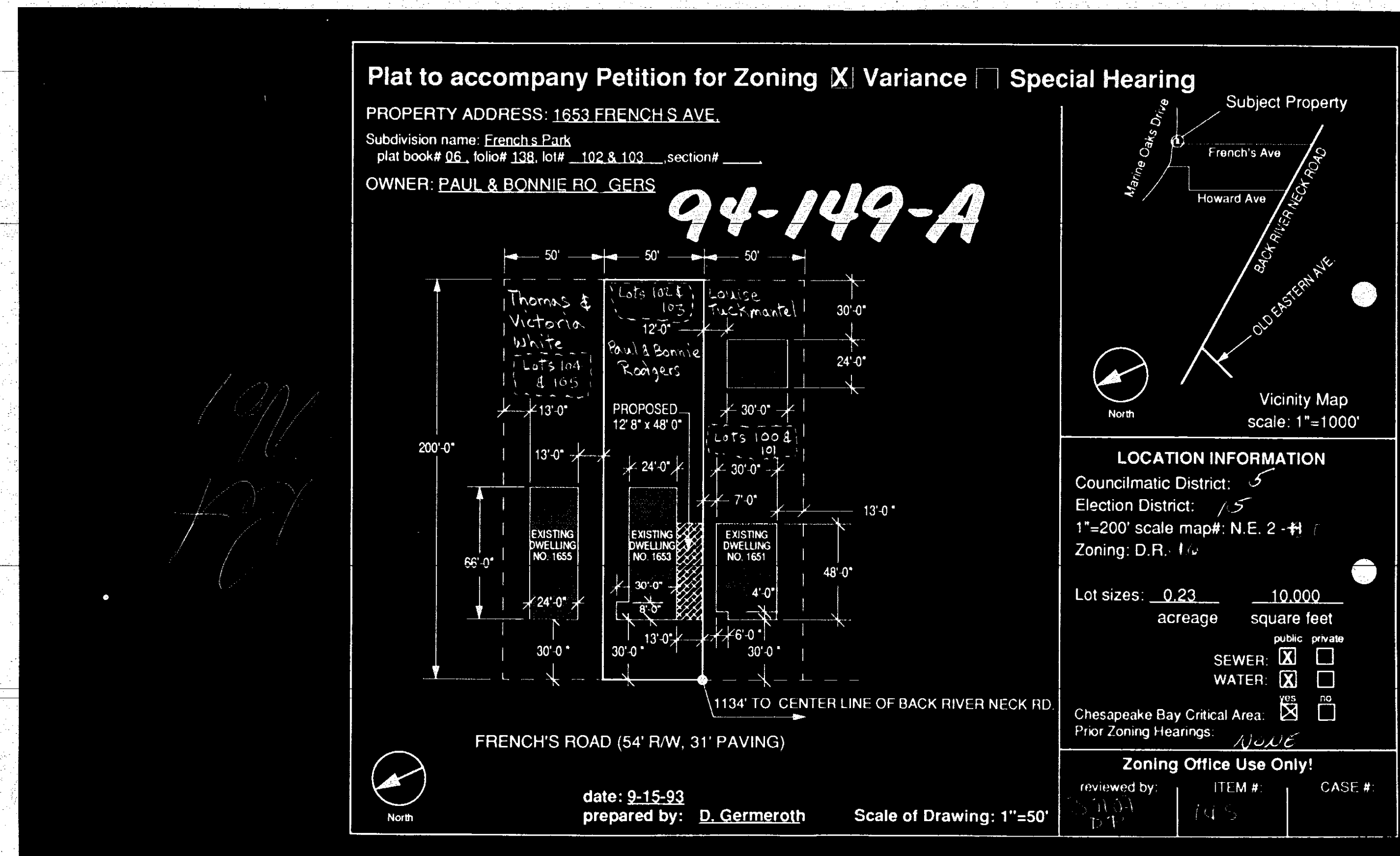
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the repeating and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$20.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jahn
Arnold Jahn
Director

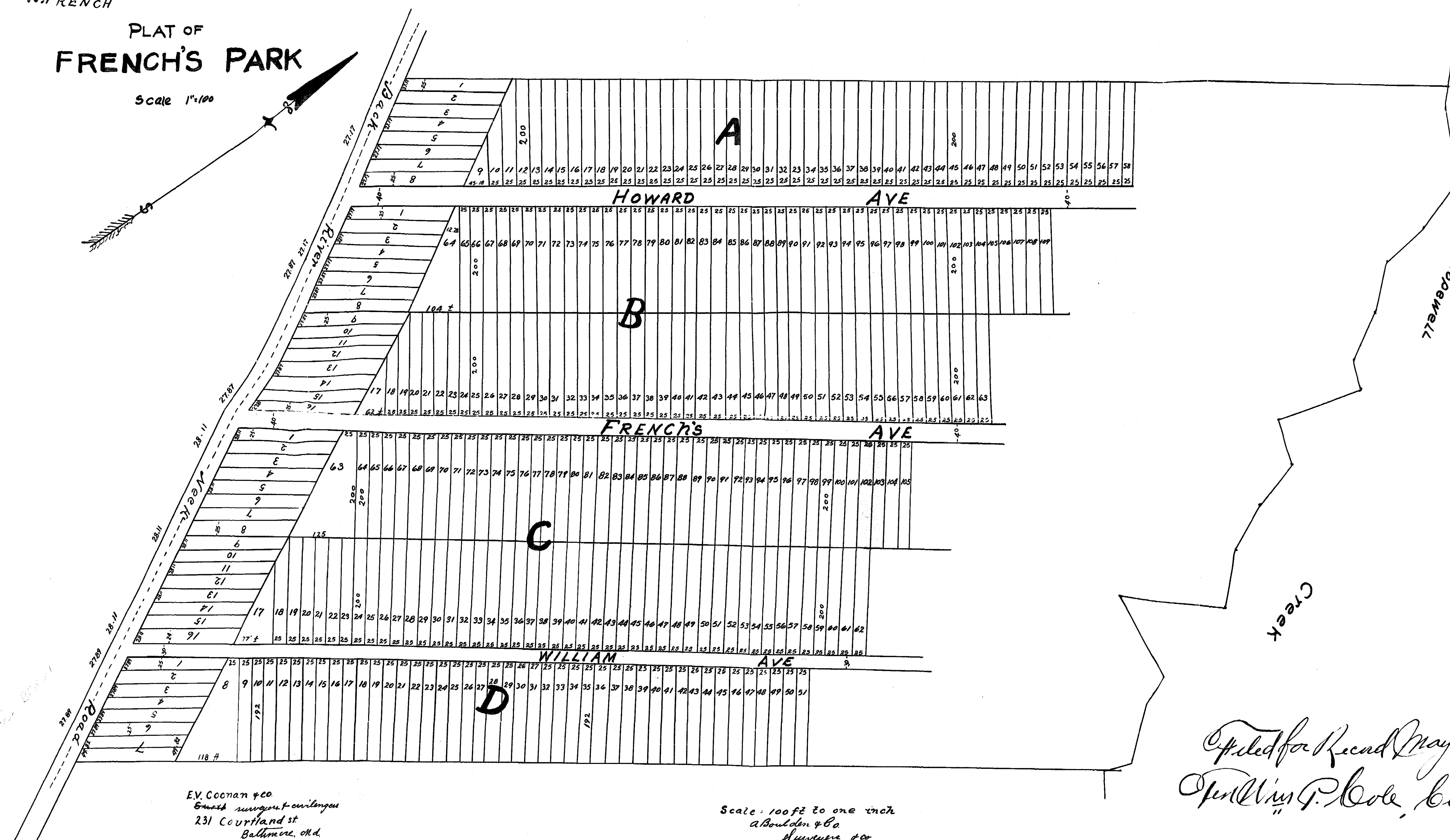
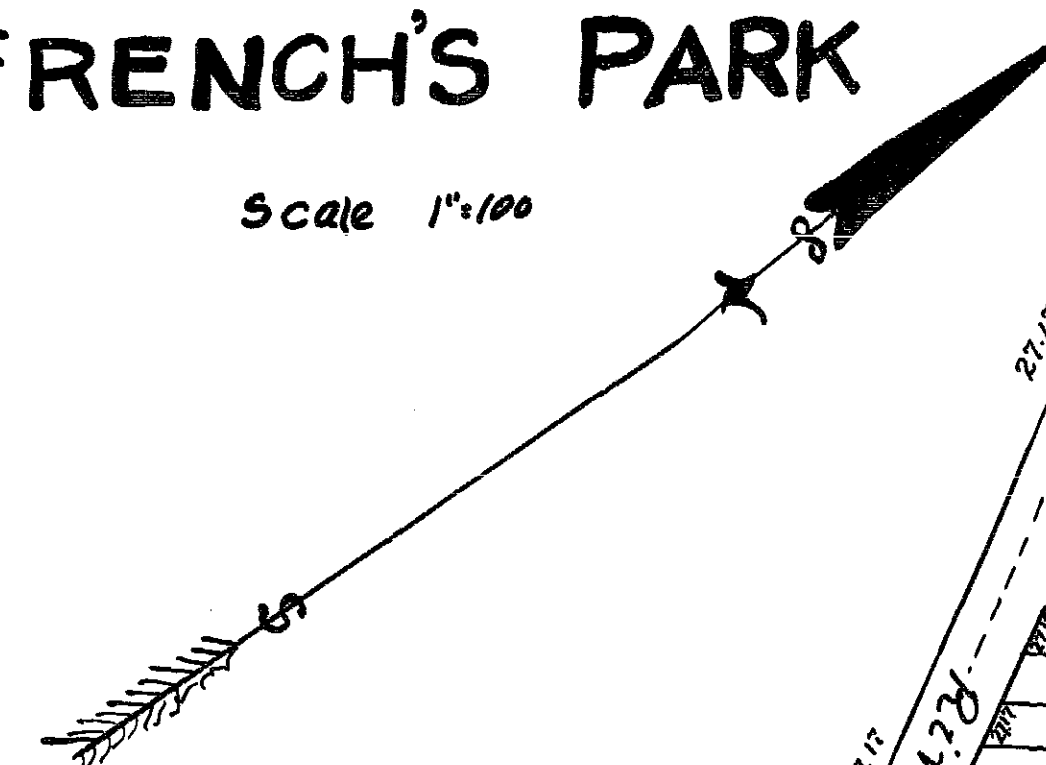
cc: Marcel Moore



W. FRENCH

PLAT OF FRENCH'S PARK

Scale 1"=100

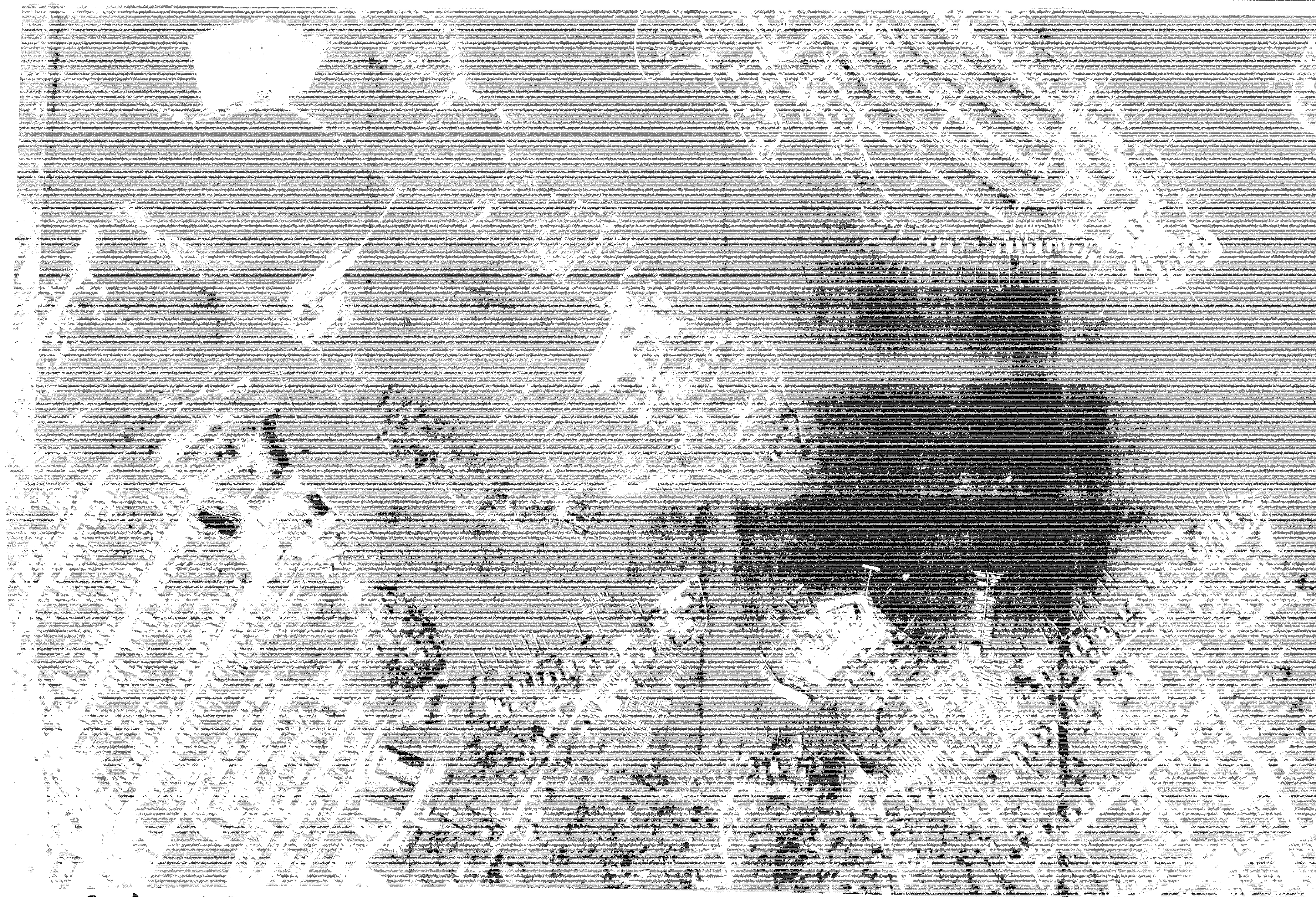


EV. Coonan & Co.
Surveyors & Engineers
231 Courtland St.
Baltimore, Md.
Nov. 15, 1915
Nov. 15, 1915

Scale: 100 feet to one inch
as shown & Co.
Surveyors & Engineers
May 30 - 1915

Filed for Record May 13th, 1915
Wm. P. Cole, Clerk

94-149-A



94-149.A #145

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MIDDLE RIVER

SHEET

N E
2 1